

REGULATION 3

OPEN BURNING

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October 12, 2000

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RULE 301 PROHIBITIONS ON OPEN BURNING

Adopted 11-12-74
(Amended 05-24-77, 06-19-79, 04-21-81, 10-12-00)

Except as provided in these Rules, no person shall use open fires (including the use of a burn barrel) for the purpose of disposal or burning of any material, including but not limited to garbage, petroleum waste, construction-demolition debris, tires, tar, woodwaste or other combustible or flammable solid or liquid waste, or for metal salvage or burning of motor vehicles.

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RULE 302 BURNING PERMITS

Adopted 10-13-77
(Amended 06-19-79, 04-21-81)

- A. No person shall knowingly set or permit open outdoor fires for:
 - 1. Agricultural burning or hazard reduction burning unless that person has been issued a valid permit from a designated agency.
 - 2. Levee, ditch, right-of-way or reservoir maintenance burning or the burning of woodwaste on property where grown pursuant to RULE 318 unless the person has been issued a valid permit from the Air Pollution Control Officer.
- B. A permit shall not be issued to an applicant unless information is provided as required by the District including, but not limited to:
 - 1. Name and address of the permittee.
 - 2. Location of the proposed burn.
 - 3. Acreage or estimated tonnage of material to be burned.
 - 4. The type of material to be burned.
 - 5. Under what category burning will take place, i.e., agricultural, forest management, range improvement, woodwaste on property where grown, or hazard reduction.
 - 6. Distance to nearest residential area (in miles).
 - 7. Reason for burning.
 - 8. The permittee shall read the permit and sign name.
- C. Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- D. A permit shall not be issued to an applicant unless information is provided as required by the designated fire protection agency for fire protection purposes.
- E. Such person, or his representative, shall have the permit available for inspection at the burn site during the burn.

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RULE 303 EXCEPTIONS TO RULE 302

Adopted 05-24-77
(Amended 06-19-79, 04-21-81)

- A. Open burning of agricultural waste necessary for the growing of crops or raising of fowl or animals at altitudes above 3,000 feet mean sea level (msl).

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RULE 304 PERMIT VALIDITY

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 10-19-93)

No permit shall be construed to authorize open outdoor fires for any day during which:

- A. Agricultural burning is prohibited by the Air Resources Board or the Air Pollution Control Officer.
- B. Open burning is prohibited by public fire control agencies for fire control or prevention.

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RULE 305 NO BURN DAYS

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-27-86)

No person shall knowingly permit residential burning or agricultural burning or burning of woodwaste on property where grown or hazard reduction burning, or right-of-way clearing and levee-ditch and reservoir maintenance burning on days when agricultural burning is prohibited by the Air Pollution Control Officer or the Air Resources Board in the Sacramento Valley Air Basin, the Mountain Counties Air Basin, or the Lake Tahoe Air Basin.

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RULE 306 EXCEPTIONS TO RULE 305

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 03-06-90)

- A. The Air Pollution Control Officer may, by special permit, authorize:
1. Agricultural burning on days designated by the Air Resources Board or Air Pollution Control Officer as "no-burn days" if the denial of such permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and when downwind metropolitan areas are forecasted by the Air Resources Board to achieve the Ambient Air Quality Standards. Within five days of granting such a permit the applicant shall submit in writing the conditions and reason for the exception.
 2. The burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, providing the sacks or containers are within the definition of "agricultural wastes" as specified in RULE 102.
- B. Range improvement burning during the period between January 1 and May 31, providing that more than 50 percent of the land has been brush treated.
- C. Open burning in agricultural operations in the growing of crops or raising of fowl or animals or disease or pest prevention, at altitudes above 3,000 feet mean sea level (msl).
- D. Open burning conducted for forest management, range improvement, wildland vegetative management or the improvement of land for wildlife and game habitat above 6,000 feet mean sea level (msl).
- E. Upon request from a permittee through a designated agency, seven days in advance of a specific range improvement burn, forest management burn, or wildland vegetative management burn at any elevation below 6,000 feet mean sea level (msl) a permissive-burn or no-burn notice will be issued by the Air Resources Board up to 48 hours prior to the date scheduled for the burn. The Air Resources Board may cancel any notice issued more than twenty-four hours in advance if necessary to maintain suitable air quality.

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RULE 307 AGRICULTURAL BURNING REPORTS

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-20-85)

- A. Except for the period between September 15 and November 30, the designated agency shall be notified of the name, location, type and amount of material to be burned prior to the actual burn. For the period between September 15 and November 30, notification requirements shall be as specified by the Air Pollution Control Officer.
- B. The designated agency shall forward above information to the Air Pollution Control Officer quarterly.

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RULE 308 DETERMINATION OF AMOUNT BURNED DAILY

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-20-85, 03-06-90)

- A. The daily acreage allotment on permissive burn days, of open burning in agricultural operations in the growing of crops and the raising of fowl or animals, shall be no more than that amount determined by the State Air Resources Board from the daily basin wide acreage allotment equation contained in the approved annual Sacramento Valley Air Basin Agricultural Burning Plan.
- B. Except for Forest Management and Agricultural burns, only that amount of material that can be reasonably expected to burn completely within the following 24 hours shall be ignited in any one day.
- C. No person shall commence an agricultural burn without receiving permission from the Air Pollution Control Officer or his designee. The Air Pollution Control Officer or designee shall distribute the daily allocated acreage throughout the district for the purposes of minimizing the density of emissions and protecting downwind urban areas.
- D. A Wildland Vegetative Management Burn, located in the Sacramento Valley Air Basin, shall be considered a part of the daily agricultural burning acreage allocation that was burned on a given day.

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RULE 309 APPROVED IGNITION DEVICES

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 10-12-00)

All open fires as authorized by this regulation shall be ignited only with approved ignition devices (as defined in RULE 102, Section 207) and the material to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

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RULE 310 RESTRICTED BURN DAYS

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 10-19-93)

The Air Pollution Control Officer shall notify the designated agencies that a condition of restricted burning exists, if in his opinion the amount being burned each day is creating significant degradation of the air quality.

On days of restricted burning the designated agencies shall restrict the acreage or tonnage of material to be burned under permit to the acreage or tonnage allocated to the designated agencies by the Air Pollution Control Officer. The Air Pollution Control Officer shall prorate the amounts to be burned to each agency based on the estimated number of acres or tonnage in the geographic area covered by the agency.

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RULE 311 WIND DIRECTION

Adopted 05-24-77
(Amended 06-19-79, 04-21-81)

Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance or hazard.

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RULE 312 MINIMUM DRYING TIMES

Adopted 11-12-74
(Amended 06-19-79, 04-21-81, 05-20-85)

To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:

- A. Sufficient time for other agricultural waste such as orchard prunings, small branches, vegetable tops and seed screenings to assure rapid and complete combustion with a minimum of smoke.
- B. A minimum of six (6) weeks for trees, stumps and large branches greater than six (6) inches in diameter.
- C. For rice straw, drying times shall be specified in RULE 315.C.

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RULE 313 EXCEPTIONS TO RULE 312

Adopted 05-24-77
(Amended 06-19-79, 04-21-81)

The Air Pollution Control Officer may grant an exemption to the drying times specified in RULE 312 if the denial of such burning would threaten imminent and substantial economic loss.

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RULE 314 PREPARATION OF MATERIAL TO BE BURNED

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-20-85, 10-12-00)

- A. No material shall be burned unless it is reasonably free of dirt, soil and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- B. Material stacked for burning shall not be burned unless it is stacked in such a manner so to promote drying and insure combustion with a minimum amount of smoke.
- C. Unwanted trees shall be felled and dried prior to the burn.
- D. In the burning of agricultural waste, the material to be burned shall be free of material that is not produced in an agricultural operation.

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RULE 315 BURNING OF AGRICULTURAL WASTE

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-20-85)

- A. RULE 301 through RULE 314, inclusive, shall apply to open burning of all agricultural waste.
- B. For the portion of the County below 1500 feet MSL, the following shall also apply:
 - 1. All rice harvesting shall employ a mechanical straw spreader to ensure even distribution of the straw with the following exception:
 - a. Rice straw may be left in rows provided it meets the drying time criteria prior to a burn as described in Subdivision C below.
- C. After harvest, no spread rice straw shall be burned prior to a three (3) day drying period. No rowed rice straw shall be burned prior to a ten (10) day drying period.
- D. When checking a field for moisture, a composite sample of straw from under the mat, in the center of the mat and from different areas of the field shall be taken to ensure a representative sample. The provisions of Section C above notwithstanding, rice straw shall be deemed dry enough to burn if a handful of straw selected as described above crackles when it is bent sharply.
- E. After a rain exceeding 0.15 inch, (fifteen hundredths of an inch), notwithstanding Subdivision C, rice straw shall not be burned unless the straw makes an audible crackle when tested just prior to burning. The method of testing shall be as described in Subdivision D above.
- F. No field crop burning shall commence before 10:00 AM or after 5:00 PM of any day. The District may further restrict burning hours if it is deemed necessary to prevent adverse impacts to downwind receptors.
- G. No crop acreage which was harvested prior to September 10 shall be burned during the period October 1 through November 15 of each year unless written authority is given by the District. In granting such written authority, the District shall:
 - 1. Ensure that the amount of acreage which is to be burned shall be included in the District's allotment specified in RULE 308.A.
 - 2. Require a specific explanation of the cultural practices which require that burning be done immediately.
 - 3. Require the person responsible to specify why the burning was not done prior to October 1.
 - 4. Require the exception to be valid only on permissive burn days.
- H. Rice, barley, oat and wheat straw shall be ignited only by stripfiring into-the-wind or by backfiring except under a special permit of the District issued when and where an extreme fire hazard is declared by a public fire protection district or where crops are determined not to lend themselves to these techniques.

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RULE 316 RANGE IMPROVEMENT/FOREST MANAGEMENT BURNING

Adopted 03-06-90

- A. With the exception of RULES 312 and 313, RULES 301 through 314 and RULE 317 shall apply to range improvement and forest management burns.
- B. RULE 315 shall not apply to range improvement or forest management burns.
- C. Drying times for vegetation to be included in a range improvement burn shall be at least 6 months, if economically and technically feasible. In the case of a forest management burn, the drying time shall be specified by the designated agency.
- D. Material should be windrowed or piled if technically feasible.
- E. If the burn is to be accomplished for improvement of land for wildlife and game habitat, the permit applicant shall obtain a written statement from the State Department of Fish and Game, certifying that the burn is desirable and proper.

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RULE 317 WILDLAND VEGETATION MANAGEMENT BURNING

Adopted 03-06-90

A. APPLICABILITY

This Rule applies to all burning which meets the criteria of a wildland vegetation management burn as defined in Section C of this Rule.

B. EXEMPTIONS

1. Section D.2 of this Rule shall not apply to wildland vegetation management burns which will occur at an altitude above 6,000 feet mean sea level.
2. Section D.2 of this Rule shall not apply to any wildland vegetation management burn that is less than 10 acres and below an altitude of 6,000 feet mean sea level.

C. DEFINITIONS

1. Prescribed Burning: Prescribed burning is defined in this Rule as the planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning as set forth in Section 39011, of the California Health and Safety Code.
2. Wildland Vegetation Management Burning: Wildland vegetation management burning is defined in this Rule as the use of prescribed burning conducted by a public agency or through a cooperative agreement or contract involving a public agency to burn land predominantly covered with chaparral (California Code of Regulations, Section 1561.1), trees, grass or standing brush.

D. STANDARDS

1. Except as provided in Section B of this Rule, wildland vegetation management burning shall comply with the requirements of District Rules 301, 302, 304 through 306, 309 through 311, and 314.
2. The designated agency conducting a wildland vegetation management burn occurring below 6,000 feet mean sea level and not subject to Section B of this Rule shall submit a burn plan to the District and the State Air Resources Board (ARB) at least 7 days prior to the burn, containing the following information:
 - a. acreage covered by the burn plan
 - b. location of the burn site
 - c. type of fuel and objectives of the burn
 - d. direction and distances to populated or sensitive receptor areas
 - e. project burn schedule (ignition to burndown)
 - f. meteorological prescription for the burn
 - g. specifications for monitoring and verifying project parameters
 - h. procedures for notifying the public and other agencies of the burn.
3. Approval of the burn plan will be contingent upon review by the Air Pollution Control Officer. Upon receipt of the burn plan, within the time frame prescribed, the ARB will provide a 48 hour decision. The ARB may cancel the forecast no later than 24 hours before the commencement of the burn if necessary to maintain air quality.

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RULE 318 LAND DEVELOPMENT OPEN BURNING

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 10-12-00)

Pursuant to Section 41802 this Rule authorizes the use of open outdoor fires for the disposal of vegetative material (woodwaste) grown on property being developed for commercial or residential purposes under the following conditions:

- A. RULE 301 through RULE 314 except RULE 307 and the following sections of this Rule shall apply.
- B. Woodwaste should be windrowed if economically and technically feasible.
- C. The Air Pollution Control Officer or staff shall review all permits prior to the burning.
- D. The Air Pollution Control Board of the District finds it more desirable to burn than dispose of by other available means.
- E. A minimum drying time of six (6) weeks shall be required for trees, stumps, and large branches greater than six (6) inches in diameter.
- F. Woodwaste greater than 12 inches in diameter, with the exception of stumps, shall not be included in the burn.
- G. Stumps greater than 12 inches in diameter at the cut shall not be included in the burn unless split at least in half and free of dirt.

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RULE 319 RIGHT-OF-WAY CLEARING AND LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 10-12-00)

RULE 301 through RULE 314 except RULE 307 shall apply to the use of fires for the disposal of vegetative material and woodwaste debris for right-of-way clearing by a public entity or for levee, ditch or reservoir maintenance.

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RULE 320 OPEN BURNING CONDUCTED BY PUBLIC OFFICERS

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-20-85)

Except as otherwise provided in RULE 321, nothing in this Regulation shall be construed as limiting the authority granted under other provisions of law to any public fire, agricultural or health officer to set or permit a fire when such a fire is, in the opinion of said officer, necessary for any of the following purposes:

- A. The prevention of a fire hazard which cannot be abated by any other means.
- B. The instruction of public employees and/or volunteer firemen in the methods of fighting fires.
- C. To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
- D. The instruction of employees in methods of fighting fires on property used for industrial purposes.
- E. Disease or pest prevention, where there is an immediate need for and no reasonable alternative exists.

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RULE 321 HAZARD REDUCTION BURNING

Adopted 05-24-77
(Amended 06-19-79, 04-21-81)

- A. RULE 301 through RULE 314 except RULE 307 shall apply to hazard reduction burning.
- B. If the Public Officer with jurisdiction determines that a condition exists in which a fire hazard or health hazard will have an imminent effect on life and property, he may waive the requirements of Paragraph A of this Rule, provided that a written report of such burning shall be forwarded to the Air Pollution Control Officer stating why life and property was being threatened requiring such burning and such other information as the Air Pollution Control Officer may reasonably require.

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RULE 322 MECHANIZED BURNERS

Adopted 05-24-77
(Amended 06-19-79, 04-21-81)

Notwithstanding any other provisions of Regulation III, the Air Pollution Control Officer may authorize by permit, open outdoor fires for the purpose of disposing of agricultural wastes, or woodwaste from trees, vines, bushes or other wood debris free of non-wood materials, in a mechanized burner such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight (8) hour period which is:

- A. As dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
- B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection (A) of this Rule.

In authorizing the operation of a mechanized burner the Air Pollution Control Officer may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this Rule.

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RULE 323 OPEN BURNING OF NONINDUSTRIAL WOODWASTE AT DESIGNATED DISPOSAL SITES

Adopted 06-19-79
(Amended 04-21-81)

Pursuant to Section 41803 and 41804.5, this section authorizes the use of open outdoor fires for the disposal of nonindustrial woodwaste at disposal sites under the following conditions:

- A. RULE 301 through RULE 314, except RULE 305, and the following sections of this Rule apply to open burning of nonindustrial woodwaste.
- B. Only city or county officials, in official capacity, may apply for permits to dispose of nonindustrial woodwaste at disposal sites located above 1500 feet elevation sea level (msl).
- C. The owner or person lawfully in possession of the land on which the disposal site is located shall file his written approval of such burning with the District.
- D. The Air Pollution Control Officer or staff shall review and sign all permits prior to burning and the fire protection agency having jurisdiction over the area on which the disposal site is located shall approve the permits.
- E. This burning shall be conducted only on permissive burn days.
- F. The Air Pollution Control Officer or staff may inspect the woodwaste to be burned to verify that it is exclusively nonindustrial woodwaste.
- G. Open burning of nonindustrial woodwaste shall not be permitted at a disposal site until the Air Resources Board has approved the use of open outdoor fires for disposing nonindustrial woodwaste at the site.

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RULE 324 RESIDENTIAL ALLOWABLE BURNING

Adopted 04-21-81
(Amended 05-20-85, 10-12-00)

RULES 301, 305, 308b, 309, 311, and 314 shall apply to the burning of residential allowable burn materials as defined in RULE 102, Section 247.

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RULE 325 RECREATIONAL OPEN FIRES

Adopted 04-21-81

Nothing in these Rules and Regulations shall be construed as limiting the use of open outdoor fires for recreational purposes or for the cooking of food for human consumption.

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